

Attorney Docket No. 8028

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

In the Application of ) Examiner Meagan S. Walling  
Ernest A. Rodenberg, III et al. ) Group Art Unit: 2863  
Application No. 10/663,313 )  
Filed September 16, 2003 )  
For: Programmable Electricity Consumption )  
Monitoring System & Method )

**FAX RECEIVED**

SEP 14 2005

**OFFICE OF PETITIONS**

PETITION TO WITHDRAW FROM ISSUANCE UNDER 37 CFR §1.313(c)

Honorable Commissioner for Patents

Washington, DC 20231

Attn: Office of Petitions

Dear Sir/Madam:

Applicants petition under 37 CFR §1.313(c)(2) for withdrawal of the above-cited patent application from issuance after payment of the issue fee in favor of continued examination (RCE enclosed), so that the US Patent Examiner might consider the patents cited in the enclosed Supplemental Information Disclosure Statement. A Notice of Allowance in this pending US patent application issued, and the issue fee was mailed to the US Patent & Trademark Office on May 9, 2005. According to PAIR, the patent issue date used in the PTA calculation was September 27, 2005.

Enclosed is PTO-1449, which cites patents (also enclosed) that recently came to Applicants' attention. Also enclosed are a Petition Fee Transmittal, and a Credit Card Payment Form (PTO-2038) for the \$130.00 petition fee set forth in 37 CFR §1.17(h), and

Application No. 10/663,313

Page 2

the \$395.00 RCE fee set forth in 37 CFR §1.17(c). Also enclosed is a Request for Continued Examination under 37 CFR 1.114.

This packet (including all of the cited references) is being mailed to the US Patent & Trademark Office. It is also being faxed to the Office of Petitions in order to present it as soon as possible. Only the first pages of the cited references are being enclosed in the faxed packet, though, in order to keep it under the 50 sheet maximum for the Office fax machine. Please advise if any additional information is required.

**WHEREFORE**, Applicants request that the US Patent & Trademark Office withdraw the above-cited patent application from issuance in favor of continued examination (RCE enclosed), that the references cited in the enclosed Supplemental Information Disclosure Statement be considered, and that the claims be allowed.

Respectfully submitted,

The Harleston Law Firm, LLC

By: Kathleen M. Harleston  
Kathleen M. Harleston  
Attorney for Applicants

Mailed and faxed September 14, 2005

909 Tall Pine Road  
Mt. Pleasant, SC 29464-2909  
Telephone: (843)971-9453  
Fax: (843)971-9505  
[kathleen@harlestonlawfirm.com](mailto:kathleen@harlestonlawfirm.com)